IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.6795/2007.

Bhunda Khan
Vs.
State and ors.

Date of order :- 3/9/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Harish Pal Singh for the petitioner.

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BY THE COURT:-

Heard learned counsel for the petitioner.

2) The petitioner has filed this writ petition with the prayer that the respondent-Forest Department be directed to grant/renew license of the petitioner to run his saw mill.

3) It has been argued that petitioner was a valid licensee, having been issued the licence on 1/7/1976 and was on that basis running a saw mill. The petitioner also deposited the requisite fee on 24/8/1994 for renewal of the license. Despite that, neither any communication was sent to the petitioner refusing renewal of his license nor his license was renewed and suddenly on 8/8/2007, he has been stopped by the authorities from running the saw mill. In the

similar circumstances, license granted to one Hanif Mian vide order dated 25/4/1995 though expired on 31/12/1995 is still being allowed to run his saw mill. Respondents are thus discriminating against the petitioner by adopting the method of pick and choose.

4) In support of his aforesaid argument, learned counsel for the petitioner placed reliance on the provisions of Rajasthan Forest Produce (Establishment & Regulations of Saw Mills) Rules, 1983 and argued that as per the provisions contained therein, petitioner having duly applied and deposited the license fee has expressed his willingness to abide by law. He cannot be therefore prevented from running saw mill which is the only source of his livelihood.

5) Having heard learned counsel for the petitioner and perused the material, I find that though from the record, it does not transpire that petitioner applied for and deposited the requisite fee to renew the licensee. Yet if the petitioner has actually applied for renewal, the competent authority is expected to either reject the application of renewal or renew the same and he decides not to renew

the license, he should pass a speaking order giving reasons therefor.

In the circumstances, the writ petitioner is set at liberty to make a representation to the District Forest Officer, Tonk within a fortnight from today and on receipt thereof, the District Forest Officer Tonk while deciding the representation of the petitioner shall either renew the license and in case he decides not to renew the same, pass a detailed speaking order within one month from the date of presentation of the representation to him. In case, the matter is decided against the petitioner, he would be at liberty to avail remedy available to him under the law.

(MOHAMMAD RAFIQ), J.

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